

TITLE 5

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CHAPTER 1

Law Enforcement

SEC. 5-1-1 ORGANIZATION OF POLICE DEPARTMENT.

The Police Department shall consist of a Chief of Police and such other officers, assistants, and patrolmen as from time to time may be appointed, pursuant to the provisions of the Wisconsin Statutes, the ordinances, and resolutions of the Common Council, and the rules and regulations of the Board of the Police and Fire Commission.

SEC. 5-1-2 RECORDS AND REPORTS.

- (a) **MONTHLY REPORTS.** The Chief of Police shall submit a monthly report to the Mayor and Common Council of activities and transactions of the department during the preceding month.
- (b) **POLICE RECORDS.** There shall be kept by the Department a suitable record in which shall be entered the name of every person arrested in the City, the name of the person making the arrest, the date and cause of the arrest, the Court from which the warrant was issued, the disposition made of the case, the amount of fine and costs paid and to whom paid, bond posted, and all complaints in full.

SEC. 5-1-3 RESPONSIBILITIES OF CHIEF OF POLICE.

- (a) **DUTIES.** In addition to the duties imposed upon him elsewhere in this Code of Ordinances, the Chief of Police shall:
 - (1) Have command of the Police Department on administrative matters, subject to the direction of the Mayor, to the extent that the Council may delegate such authority or direction to him.
 - (2) Cause to be maintained accurate records of complaints, crimes, traffic accidents, ordinance violations, arrests, summons, incidents, and calls for police service and shall provide a system of periodic summary and analysis to ensure the most efficient and effective deployment and use of the Department's resources. He shall submit or cause to be submitted to the various agencies such reports and summaries as are required by State Statutes or ordinances and shall participate in voluntary programs designed to improve law enforcement and public safety.
 - (3) Submit such reports and comply with such administrative procedures as may be prescribed by the Mayor and Common Council relative to fiscal and administrative matters.
 - (4) Submit such reports and/or information and comply with such policies as may be prescribed by Common Council.
 - (5) Have exclusive control of the assignment, hours of duty, and transfer of all members of the Department.
 - (6) Plan, organize, staff, direct, and control all of the human and material resources of the Department for the most effective and efficient discharge of its duty to protect

persons and property, preserve the peace, protect the rights of citizens and enforce the Wisconsin Statutes and the ordinances of the City as are within its jurisdiction. He shall supervise the preparation and presentation of annual reports and budgets for the Police Department. He shall be required to certify to the correctness of all bills incurred by the Department.

- (7) Strive to maintain suitable, productive relationships with other City departments and with other governmental agencies and private organizations concerned with law enforcement, crime prevention, administration of justice and public safety. He shall cooperate and exchange information with other City departments in matters relating to their various functions.
- (8) Plan and execute programs designed to prevent and repress crime, apprehend and prosecute offenders, recover property, and regulate non-criminal conduct, giving highest priority in the allocation of resources to crime and other offenses most hazardous to life and property.
- (b) **CUSTODY OF DEPARTMENT EQUIPMENT.** The Chief of Police shall be the custodian of all City property, equipment and supplies under the control of, or used by, the Police Department and shall be responsible for the care, maintenance, safeguarding and accurate records of such property, equipment, and supplies.
- (c) **CUSTODY OF DEPARTMENT PROPERTY.** The Chief of Police shall be the custodian of all property and shall be responsible for the safekeeping, lawful disposition and accurate record of the same. He shall see that all property is returned to its lawful owner or otherwise disposed of according to the applicable statutes.

SEC. 5-1-4 RULES AND POLICIES FOR THE POLICE DEPARTMENT.

The Chief of Police shall establish and promulgate Rules of Conduct, Directives and Policies and Procedures and prescribe such duties for individual members as he may deem necessary for the effective and efficient command and operation of the Department; provided no such Rules of Conduct, Directive or Policy Procedure duties or assignment shall be in conflict with the statutes, ordinances and approved City personnel rules and regulations.

SEC. 5-1-5 MAINTENANCE OF PERSONNEL RECORDS AND PERFORMANCE EVALUATIONS.

The Chief of Police, in cooperation with the Personnel Director, shall cause to be maintained adequate personnel records of employment, assignment, promotions, attendance, performance and training for all members of the Department. He shall also comply with all provisions of the Law Enforcement Standards Board in regard to background investigations. He shall keep himself adequately informed of the activities of the Department and be assured that the duties of his subordinates are properly discharged. He shall formulate procedures for recognizing outstanding performance by Department members for investigating complaints of misconduct by any Department member and for taking appropriate disciplinary action subject to the provisions of the applicable statutes and Rules of the Department.

SEC. 5-1-6**POLICE CHIEF'S RESPONSIBILITY FOR TRAINING.**

The Chief of Police is responsible for the training of all members of the Department. He shall cause adequate and progressive programs of training to be organized and conducted to prepare Department members in the knowledge, procedures, and techniques of their duties and responsibilities. He will insure that, within budgetary limitations, members of the Department attend training courses, seminars, and conferences necessary to maintain and improve their job skills and professional knowledge. He shall encourage Department members to further their education in Law Enforcement through study, special courses, college attendance, extension programs, and independent readings.

SEC. 5-1-7**AUXILIARY POLICE FORCE.**

- (a) **AUXILIARY POLICE FORCE ESTABLISHED.** There is hereby established an Auxiliary Police Force for the City of Menasha consisting of a table of organization of twenty-nine (29) persons, which number may be altered from time to time by the Common Council.
- (b) **OFFICER IN CHARGE.** The unit shall be under the direction and control of the Chief of Police and such officers of the Menasha police force as may be assigned and designated by the Chief.
- (c) **POLICIES.** The Chief of Police shall develop and employ such policies and rules for the organization, control and operation of the Auxiliary Police as may be required to provide an effective unit.
- (d) **FIREARMS AND OTHER WEAPONS.** No auxiliary police officer while on duty and in uniform may carry any lethal weapon.
- (e) **INSURANCE.** The City of Menasha will provide the necessary worker's compensation insurance.
- (f) **MAXIMUM HOURS.** No auxiliary police officer may work more than five hundred ninety (590) hours per year.
- (g) **ARREST POWERS.** Auxiliary police officers shall have powers of arrest when commanded by and under the supervision and direction of a full-time City law enforcement officer.
- (h) **STATUS AND PAY.** Auxiliary police officers shall be considered employees of the City of Menasha and will be paid a stipend of Ten Dollars (\$10.00) a month to cover mileage and other expenses.

CHAPTER 2

Fire Prevention

SEC. 5-2-1 IMPEDING FIRE EQUIPMENT PROHIBITED.

No person shall impede the progress of the fire engine or fire truck or other fire apparatus of the Menasha Fire Department along the streets or alleys of such City at the time of a fire or when the Fire Department of the City is using such streets or alleys in response to a fire alarm or for practice.

SEC. 5-2-2 POLICE POWER OF THE DEPARTMENT; INVESTIGATION OF FIRES.

(a) POLICE AUTHORITY AT FIRES.

- (1) The Chief and assistants or officers in command at any fire are hereby vested with full and complete police authority at fires. Any officer of the Department may cause the arrest of any person failing to give the right-of-way to the Fire Department in responding to a fire.
- (2) The Fire Chief may prescribe certain limits in the vicinity of any fire within which no persons, excepting firemen and policemen and those admitted by order of any officer of the Department, shall be permitted to come.
- (3) The Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of such property from fire or to prevent the spreading of fire or to protect the adjoining property, and during the progress of any fire he shall have the power to cause the removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Department during the progress of a fire.

(b) FIRE INSPECTION DUTIES.

- (1) The Fire Chief shall be the Fire Inspector of the City of Menasha and shall have the power to appoint one or more Deputy Fire Inspectors and shall perform all duties required of the Fire Inspectors by the laws of the State and rules of the Department of Industry, Labor and Human Relations, particularly Section 101.14, Wis. Stats.
- (2) While acting as Fire Inspector pursuant to Sec. 101.14(2), Wis. Stats., the Fire Chief, or any officer of the Fire Department designated by the Fire Chief, shall have the right and authority to enter any building or upon any premises in the City of Menasha at all reasonable hours for the purpose of making inspections or investigations which, under the provisions of this Code of Ordinances, he may deem necessary. Should the Fire Inspector find that any provisions of this Code relating to fire hazards and prevention of fires are being violated, or that a fire hazard exists which should be eliminated, it shall be his duty to give such directions for the abatement of such conditions as he shall deem necessary and, if such directions be not complied with, to report such noncompliance to the Common Council for further action.
- (3) The Chief of the Fire Department or an officer designated by him shall inspect all building premises, except the interior of private dwellings, for the purpose of correcting any violations of any law or ordinance relating to the fire hazard or the

prevention of fires. Such inspections shall be made every six (6) months in all territory served by the Department. Each six (6) month period shall begin on January 1 and July 1.

- (4) Written reports of inspections shall be made and kept on file in the office of the Chief of the Fire Department in the manner and form required by the Department of Industry, Labor and Human Relations. A copy of such reports shall be filed with the City Clerk.

State Law Reference: Section 101.14(2), Wis. Stats.

**SEC. 5-2-3 DAMAGING FIRE HOSE PROHIBITED; PARKING BY
HYDRANTS; BLOCKING FIRE LANES.**

- (a) **DRIVING OVER FIRE HOSE.** No person shall willfully injure in any manner any hose, hydrant or fire apparatus belonging to the City, and no vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street, private driveway or other place, to be used at any fire or alarm of fire, without the consent of the Fire Department official in command.
- (b) **PARKING VEHICLES NEAR HYDRANTS.** It shall be unlawful for any person to park any vehicle or leave any object within ten (10) feet of any fire hydrant at any time.
- (c) **NO PARKING NEAR FIRE.** It shall be unlawful for any person, in case of fire, to drive or park any vehicle within one block from the place of fire without the consent and authority of the Fire Chief or any police officer.

SEC. 5-2-4 FIREMEN MAY ENTER ADJACENT PROPERTY.

- (a) **ENTERING ADJACENT PROPERTY.** It shall be lawful for any fireman while acting under the direction of the Fire Chief or any other officer in command to enter upon the premises adjacent to or in the vicinity of a building or other property then on fire for the purpose of extinguishing such fire and in case any person shall hinder, resist or obstruct any fireman in the discharge of his duty as is hereinbefore provided, the person so offending shall be deemed guilty of resisting firemen in the discharge of their duty.
- (b) **DESTRUCTION OF PROPERTY TO PREVENT THE SPREAD OF FIRE.** During the progress of any fire, the Fire Chief or his assistant shall have the power to order the removal or destruction of any property necessary to prevent the further spread of fire; provided that it is inevitable that, unless such property is removed, other property is in danger of being destroyed by fire.

SEC. 5-2-5 VEHICLES TO YIELD RIGHT-OF-WAY.

Whenever there shall be a fire or fire alarm or the Fire Department shall be out for practice, every person driving or riding in a motorized or other vehicle shall move and remain to the side of the street until the fire engine and fire truck and other fire apparatus shall have passed.

SEC. 5-2-6**INTERFERENCE WITH USE OF HYDRANTS PROHIBITED.**

No person shall occupy any portion of such streets or alleys with a motorized or other vehicle between such fire engine or fire truck or other fire apparatus or any hydrant to which a fire hose may be, or may be about to be, attached.

SEC. 5-2-7**OPEN BURNING.**

- (a) **OPEN BURNING PROHIBITED.** No person, firm or corporation shall build any outdoor fire within the corporate limits of the City of Menasha excepting as set forth in Subsection (b) of this Section.
- (b) **EXCEPTIONS.**
 - (1) Outdoor cooking over a fire contained in a device or structure designed for such use.
 - a. Material used to make a cooking fire cannot include construction, trash or rubbish.
 - b. All cooking devices must be in good working condition to prevent the possible spread of fire;
 - c. For all multi-family dwellings more than one story in height, the use and/or storage of any propane or charcoal portable cooking device or any portable fireplace device is strictly prohibited above the first floor occupancy.
 - d. For all multi-family dwellings more than one story in height, the use of any open or closed outdoor cooking device, any portable fireplace device, or any open flame device is prohibited within ten (10) feet of the structure on the ground floor or any combustible material on the ground floor.
 - (2) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the Fire Chief;
 - (3) Ceremonial campfire or bonfires, with prior written approval of the Fire Chief;
 - (4) Other occasions of desirable outdoor burning not specified by this Subsection, but not as an alternative to refuse removal or disposal of which other methods are available, may be granted single occasion approval as in Subsections (2) and (3) above.
 - (5) Whenever approval and special permit are granted by the Fire Chief under Subsection (b)(2), (3) and (4) of this Section, the permit may specify and be conditioned on observance of safety restrictions and insurance requirements set forth therein.
- (c) **CHIEF MAY PROHIBIT.** The Fire Chief is permitted to prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.
- (d) **BURNING ON STREETS.** No materials may be burned upon any street, curb, gutter or sidewalk.
- (e) **LIABILITY.** Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by his fire.

SEC. 5-2-8**INSTALLATION, REMOVAL AND INSPECTION OF FLAMMABLE AND COMBUSTIBLE LIQUID STORAGE TANKS.**

- (a) **AUTHORITY.** The most current version of the Wisconsin Administrative Code, DILHR, Chapter ILHR 10, Flammable and Combustible Liquids is hereby adopted and incorporated by reference.

The City of Menasha Fire Department shall also be adopted as part of the authorized inspection authority related to storage tank inspections pursuant to the Professional Services Contract between DILHR and the City of Menasha.

- (b) No person may install, remove or alter any underground storage tanks for storage of flammable or combustible liquids without first obtaining a permit from the City of Menasha Fire Department.

- (c) **INSPECTION REQUIREMENTS - SCOPE OF SERVICE.** The City of Menasha Fire Department shall perform the following inspection duties related to the storage of flammable and combustible liquids in the City of Menasha:

- (1) Complete plan examinations for all tank installations of less than 5,000 gallons. Approve/disapprove plans which are submitted based upon the criteria established in ILHR 10, or any successor State law.
- (2) Establish permit fees, for approval by the Common Council for all work related to the installation and alterations of tanks less than 5,000 gallons and permit fees for all tank removals.
- (3) Perform installation inspections for tank systems reviewed at either the state or local level.
- (4) Authorize stop work orders when violations of ILHR 10 have occurred.
- (5) Perform the annual inspection of federally regulated tank systems for compliance with leak detection, operation and maintenance and the closure requirements established in ILHR 10.
- (6) Perform inspections at the closure of tank systems.
- (7) Perform any and all duties or authority as set forth in ILHR 10, the City of Menasha Municipal Code, or the contractual inspection agreement with DILHR, as necessary and determined by the City of Menasha Fire Department.

- (d) **INSPECTION REQUIREMENTS - NOTICE.** Notice inspection requirements shall be as follows:

- (1) The City of Menasha Fire Department shall be notified ten (10) days in advance of any underground storage tank removal.
- (2) Twenty-four (24) hour minimum advance notice shall be required for any canceled installation, upgrade, or removal inspection appointment.

- (e) **FEES.**

- (1) Any plan review, new installation inspections or upgrade plan review inspections for tanks of 5,000 gallons or greater shall require a prepaid fee as established by State authority.
- (2) All other plan review, new installation inspections, upgrade plan review and inspections, revisions of previously approved plans and all underground storage tank removals shall require a prepaid fee as established under Sec. 5-2-8(b)(2).

- (f) **PENALTY.**

- (1) Any person, firm, association or corporation who shall violate any of the provisions of Ordinance 5.07 shall, upon conviction of such violation, be subject to a penalty as

follows:

- a. A stop work order shall be issued until compliance has occurred, and a forfeiture not to exceed \$500.00, together with the costs of prosecution.
- b. Failure to obtain any permit will result in the doubling of any permit fee.
- c. Each violation, and each day a violation continues or occurs, shall constitute a separate offense. Nothing in this ordinance shall preclude the City of Menasha from maintaining any appropriate action to prevent or remove a violation of this ordinance.
- d. Failure to remove any contaminated soil within thirty (30) days after completion of any project will constitute a public nuisance under Sec. 11-7-2.

SEC. 5-2-9

FIRE ALARMS.

- (a) The user of any private alarm system which upon activation, elicits a response from the Fire Department or Police Department, shall be subject to the following answering fee schedule for each alarm in the calendar year. The fee will be assessed if it is determined that the alarm was discharged falsely, accidentally, or by negligence, including lack of maintenance.
- (b) **FEE SCHEDULE.**
 - (1) First two false alarms -- No Charge.
 - (2) Third and fourth false alarm -- \$25.00.
 - (3) Fifth through eighth false alarm -- \$50.00.
 - (4) Ninth and subsequent false alarms -- \$100.00.
- (c) The fees above mentioned shall not be imposed in the event of any evidence of forcible entry or attempted forcible entry. Said fee will not be imposed if it can be determined that the alarm was activated by weather conditions, fire or other acts of God.
- (d) If the possessor of the alarm shows to the satisfaction of the Fire Chief or Police Chief, as appropriate, that a false alarm was not the result of negligence or improper maintenance or other good and sufficient cause beyond the reasonable control of the possessor of the alarm, such fee may be waived and the response not counted as a false alarm in computing the fee established by the ordinance.
- (e) The fee established by this ordinance is imposed whether the Winnebago County Communication Center, the Menasha Fire Department or Police Department receive notification of the alarm by direct connection or through other intermediary means.
- (f) Those subject to fees for false alarms shall be notified, in writing, of such fees by the City of Menasha within thirty days of the receipt of the fee notification. In the event fees remain unpaid, said fees may be collected as a special tax assessed against the property of the owner.
- (g) Alarm users who intentionally activate any alarm shall be subject to the receipt of a City of Menasha Municipal Summons for said intentional violation of paragraph (a) of this Section. Intentional activation of any alarm shall be subject to a minimum fine of \$200.00 plus costs per occurrence.

CHAPTER 3

Fire Prevention Code; Hazardous Materials

SEC. 5-3-1 ADOPTION OF STATE CODES.

The following Orders, Rules and Regulations of the Department of Industry, Labor and Human Relations, all of which are set forth in the Wisconsin Administrative Code General Hazard Fire Prevention Code Chapter 14 IND as from time to time are amended, are incorporated herein by reference and adopted as part of this Fire Prevention Chapter:

- (a) Wis. Adm. Code Ch. IND 5; Explosives and Blasting Agents.
- (b) Wis. Adm. Code Ch. IND 7; Cleaning and Dyeing.
- (c) Wis. Adm. Code Ch. IND 8; Flammable and Combustible Liquids.
- (d) Wis. Adm. Code Ch. IND 9; Liquified and Petroleum Gases.
- (e) Wis. Adm. Code Ch. IND 20; Dusts, Fumes, Vapors and Gases.
- (f) Wis. Adm. Code Ch. IND 21; Spray Coating.
- (g) Wis. Adm. Code Ch. IND 30; Fire Department Health and Safety Standards.
- (h) Wis. Adm. Code Ch. IND 35; Safety in Construction.
- (i) Wis. Adm. Code Ch. IND 43; Anhydrous Ammonia Code.
- (j) Wis. Adm. Code Ch. IND 50; Administration and Enforcement.
- (k) Wis. Adm. Code Ch. IND 51; Definitions and Standards.
- (l) Wis. Adm. Code Ch. IND 52; General Requirements.
- (m) Wis. Adm. Code Ch. IND 53; Structural Requirements.
- (n) Wis. Adm. Code Ch. IND 54; Factories, Office and Mercantile Buildings.
- (o) Wis. Adm. Code Ch. IND 55; Theaters and Assembly Halls.
- (p) Wis. Adm. Code Ch. IND 56; Schools and Other Places of Instruction.
- (q) Wis. Adm. Code Ch. IND 57; Apartment Buildings, Hotels and Places of Detention.
- (r) Wis. Adm. Code Ch. IND 58; Health Care, Detention and Correctional Facilities
- (s) Wis. Adm. Code Ch. IND 59; Hazardous Occupancies
- (t) Wis. Adm. Code Ch. IND 60; Child Day Care Facilities.
- (u) Wis. Adm. Code Ch. IND 61; CBRF
- (v) Wis. Adm. Code Ch. IND 62; Specialty Occupancies.
- (w) Wis. Adm. Code Ch. IND 64; Heating, Ventilating and Air Conditioning.
- (x) Wis. Adm. Code Ch. IND 65; Fire Protection.
- (y) Wisconsin Electrical Code.

SEC. 5-3-2 DISCLOSURE OF HAZARDOUS MATERIALS AND INFECTIOUS AGENTS; REIMBURSEMENT FOR CLEAN-UP OF SPILLS

(a) **APPLICATION.**

- (1) All persons, firms or organizations using, researching or producing hazardous materials and/or infectious agents shall notify the Fire Department as prescribed by this Section.
- (2) The provisions of this Section shall apply to all persons, firms or organizations using, researching, producing or storing hazardous materials and/or infectious agents on and after the effective date of this Section.

(b) **DEFINITIONS.**

- (1) "Infectious agent" is a bacterial, mycoplasmal, fungal, parasitic or viral agent known to cause illness in humans which is used, researched, produced or stored within or on premises.
- (2) "Hazardous materials" are those materials that can cause death or disabling injury from brief exposure; those materials that could cause a lost-time injury from exposure; and those materials that could cause temporary disability or injury without permanent effects which are used, researched, produced or stored within or on premises except those household consumer products used at the point of consumption and not used for commercial or experimental purposes. This definition of hazardous materials shall include radioactive materials.

(c) **INFORMATION REQUIRED.**

- (1) Any person, firm or organization using, researching, producing and/or storing any hazardous materials shall provide in writing to the Fire Department the following information:
 - a. Address, location of where hazardous materials are used, researched, stored or produced;
 - b. The trade name of the hazardous material;
 - c. The chemical name and any commonly used synonym for the hazardous material and the chemical name and any commonly used synonym for its major components;
 - d. The exact locations on the premises where materials are used, researched, stored and/or produced;
 - e. Amounts of hazardous materials on premises per exact location;
 - f. The boiling point, vapor pressure, vapor density, solubility in water, specific gravity, percentage volatile by volume, evaporation rate for liquids and appearance and order of the hazardous material;
 - g. The flashpoint and flammable limits of the hazardous substance;
 - h. Any permissible exposure level, threshold limit value or other established limit value for exposure to a hazardous material;
 - i. The stability of the hazardous substance;
 - j. Recommended fire extinguishing media, special firefighting procedures and fire and explosion hazard information for the hazardous material;
 - k. Any effect of over-exposure to the hazardous material, emergency and first aid procedures and telephone numbers to call in an emergency;
 - l. Any condition or material which is incompatible with the hazardous material and must be avoided.
 - m. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming into contact with the hazardous materials;
 - n. Procedures for handling or coming into contact with the hazardous materials.

- (2) Any person, firm or organization using, researching, producing and/or storing infectious agent and/or carrier of an infectious agent shall provide in writing to the Fire Department the following:
- a. The name and any commonly used synonym of the infectious agent;
 - b. Address/location where infectious agents are used, researched, stored and/or produced;
 - c. The exact locations where infectious agents are used, researched, stored and/or produced;
 - d. Amount of infectious agent on premises per exact locations;
 - e. Any methods of route of transmission of the infectious agents;
 - f. Any symptoms of effect of infection, emergency and first aid procedure and a telephone number to be called in an emergency;
 - g. Any personal protective equipment to be worn or used and special precautions to be taken when handling or coming in contact with the infectious agent;
 - h. Procedure for handling, clean-up and disposal of infectious agents leaked or spilled.
- (d) **REIMBURSEMENT FOR CLEANUP OF SPILLS.** Any person who possesses or controls a hazardous material or infectious agent which was discharged or caused the discharge of a hazardous material or infectious agent shall reimburse the City for actual and necessary expenses incurred by the City or its agent to contain, remove or dispose of the hazardous substance or infectious agent or take any other appropriate action which is deemed appropriate under the circumstance.

SEC. 5-3-3 SMOKE DETECTOR REQUIREMENT.

- (a) **GENERAL REQUIREMENTS FOR SMOKE DETECTORS.** All required smoke detectors shall comply with the provisions of NFPA No. 72-E-1982-Standard on Automatic Fire Detectors or NFPA No. 74-1980-Household Fire Warning Equipment.
- (b) **INSTALLATIONS.**
- (1) Each living unit shall be provided with an approved, listed and labeled smoke detector sensing visible or invisible particles of combustion, installed in the basement of the dwelling unit and on each floor level except the attic or storage area of each dwelling. "Basement" means that portion of a dwelling between floor and ceiling which is below or partly below and partly above grade but so located that the vertical distance from the grade to the floor below is more than the vertical distance from grade to ceiling. A smoke detector will be required in a basement only if the ceiling height is six (6) feet or more and only if that portion of the structure is used for storage, heating, air conditioning or living space.
 - (2) Except as provided in Section ILHR 57.16(2)(b), all smoke detectors connected with each other or with the manual fire alarm system shall be installed in accordance with the provision of NFPA No. 72A-1979-Standard for the Installation, Maintenance and Use of Local Protective Signaling Systems for Guard's Tour, Fire Alarm and Supervisory Service. Where smoke detectors are interconnected with the manual fire alarm system, the smoke detectors shall be wired in accordance with the provisions specified in Section ILHR 16.34, Wis. Adm. Code.
- (c) **OPERATION AND MAINTENANCE.**

- (1) The owner of any rental unit shall be responsible for the installation of a smoke detector system in compliance with Subsections (b)(1) and (2) above. It shall be the responsibility of the owner to assure that the system is operational prior to initial occupancy and upon change of tenants.
- (2) The tenant shall be responsible for day-to-day maintenance and testing of the smoke detector system including replacement of batteries where applicable. In the event of malfunction other than that which can be remedied by day-to-day maintenance, the tenant shall notify the owner in writing of any such malfunction.
- (3) The owner shall have five (5) days upon receipt of the written notice from the tenant to repair or replace the smoke detector or smoke detection system.
- (d) **COMPLAINT OF TENANTS.** Any time a complaint is received by the Fire Inspector or Building Inspector from a tenant of a dwelling unit that smoke detectors are not provided, the Fire Inspector shall issue orders to the owner of said property, requiring that a smoke detector verification form be completed and signed when the smoke detectors are installed.
- (e) **VERIFICATION FORM.** Upon resale where real property status is requested from the City for a property used in whole or part for residential purposes, a smoke detector verification form shall be completed and signed by the owner or agent, indicating that smoke detectors are installed in said dwellings. A copy of the verification form shall be kept on file in the Department of Community Development.

SEC. 5-3-4 AUTOMATIC SPRINKLER SYSTEMS.

- (a) **SYSTEM REQUIREMENTS.** Whenever automatic sprinkler equipment is required or installed, it shall be connected to an adequate water supply with sprinkler heads, valves and auxiliary equipment of standard types suitable for the individual building to be protected as determined by Standard 13 National Fire Prevention Association in effect at the date of installation. No automatic sprinkler equipment shall be installed or altered in a building until plans have been submitted to the Fire Prevention Bureau and approved. Two (2) copies of plans shall be submitted and approved plans stamped "Approved by Fire Prevention Bureau." One (1) copy shall be returned to the owner and the other kept on file in the Fire Department. This is in addition to plans that are on file with the Building Inspector.
- (b) **INSPECTIONS.** Every automatic sprinkler system required under this Section shall be inspected upon installation and at least once a year by the Bureau of Fire Prevention. A certificate indicating such inspection has been made and that the system is approved shall be issued to the owner by the Bureau.
- (c) **MAINTENANCE.** The owner or occupant of a building containing the required automatic sprinkler system or in which one is installed shall maintain the system in an operative condition at all times. The occupant of the building shall notify the Chief of the Fire Department prior to interrupting this system for any reason or at the time it is withdrawn or its service interrupted or curtailed.
- (d) **FEE REQUIRED.** The initial fee for the installation of an automatic sprinkler system shall be a Ten Dollar (\$10.00) base fee for up to One Thousand Dollars (\$1,000.00) in the value of the system. Thereafter, the fee shall be increased One Dollar (\$1.00) per One Thousand Dollars (\$1,000.00) to Fifty Thousand Dollars (\$50,000.00), and Fifty Cents (50) per One Thousand Dollars (\$1,000.00) over Fifty Thousand Dollars (\$50,000.00).

CHAPTER 4

Emergency Government

SEC. 5-4-1 JOINT ACTION EMERGENCY GOVERNMENT PLAN.

- (a) A Joint Action Ordinance of the Board of Supervisors of Winnebago County providing for a county-municipal joint action emergency plan of organization adopted by said County Board on the 1st day of January, 1975 is adopted and made a part hereof, by reference, and is hereby ratified and accepted by the City of Menasha, County of Winnebago, except Section 8(3) entitled Penalty Provisions and that part of Sec. 1-1-7 of the Menasha Municipal Code pertaining to Penalties. This ratification and acceptance of the Joint Action Ordinance shall constitute a Mutual Agreement between the City of Menasha and the County of Winnebago. A copy of the County Ordinance is on file with the City Clerk.
- (b) The County-Municipal Emergency Government Director, appointed and employed by the Winnebago County Board as provided in said Ordinance, is hereby designated and appointed Emergency Government Director for the City of Menasha, subject to the conditions and provisions as set forth in the Wisconsin Statutes, and the Winnebago County Joint Action Ordinance.